

## LEGISLATIVE BILL 55

Approved by the Governor March 25, 2005

Introduced by Foley, 29; Price, 26

AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend sections 71-8603 and 71-8612, Reissue Revised Statutes of Nebraska; to redefine a term; to change funding provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-8603, Reissue Revised Statutes of Nebraska, is amended to read:

71-8603. For purposes of the Commission for the Blind and Visually Impaired Act:

(1) Blind person means:

(a) A person having sight which is so defective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life; or

(b) A person, to be eligible and licensed as a blind vending facility operator under section 71-8611:

(i) Having no greater than 20/200 central visual acuity in the better eye after correction; or

(ii) Having an equally disabling loss of the visual field in which the widest diameter of the visual field subtends an angle no greater than twenty degrees;

(2) Board means the governing board of the commission;

(3) Commission means the Commission for the Blind and Visually Impaired;

(4) Committee of Blind Vendors means the committee created pursuant to 20 U.S.C. 107b-1;

(5) State workforce investment board means the board authorized by the federal Workforce Investment Partnership Act of 1998 and established in Nebraska;

(6) Vending facility means:

(a) ~~Shelters~~ Cafeterias, snackbars, cart services, shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment necessary for the vending of articles approved by the office, agency, or person having control of the property on which the vending facility is located; and

(b) Manual or coin-operated vending machines or similar devices for vending articles approved by the office, agency, or person having control of the property on which the vending facility is located; and

(7) Vending facility program means the program established and maintained pursuant to section 71-8611.

Sec. 2. Section 71-8612, Reissue Revised Statutes of Nebraska, is amended to read:

71-8612. The Commission for the Blind and Visually Impaired Cash Fund is created. ~~On July 1, 2000, any money in the Small Business Enterprises Cash Fund and any portion of the Department of Health and Human Services Cash Fund or any other cash funds attributable to the Division of Rehabilitation Services for the Visually Impaired within the Department of Health and Human Services shall be transferred to the Commission for the Blind and Visually Impaired Cash Fund. Any custodial funds, gifts, trusts, and federal grants attributable to the Division of Rehabilitation Services for the Visually Impaired within the Department of Health and Human Services shall be transferred and attributable to the commission.~~ The fund shall contain money received pursuant to the Commission for the Blind and Visually Impaired Act and shall include a percentage of the net proceeds derived from the operation of vending facilities. ~~which do not employ more than three full-time people or the equivalent thereof if part-time employees are utilized.~~ The net proceeds from the operation of vending facilities shall accrue to the blind vending facility operator, except for the percentage of the net proceeds that shall revert to the cash fund. Such fund shall be used for supervision and other administrative purposes as necessary. The commission, in consultation with the Committee of Blind Vendors, shall determine the percentage of the net proceeds that reverts to the fund after an investigation to reveal the gross proceeds, cost of operation, amount necessary to replenish the stock of merchandise, and the business needs of the blind vending facility operator. All equipment purchased from the fund is the property of the state and shall

be disposed of only by sale at a fair market price. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original sections 71-8603 and 71-8612, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.